

Amendment No. 1 to HB1637

Coleman
Signature of Sponsor

AMEND Senate Bill No. 1903*

House Bill No. 1637

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-16-101(c), is amended by adding the following language as a new, appropriately designated subdivision:

() Has never been convicted of a felony;

SECTION 2. Tennessee Code Annotated, Section 8-16-104(a), is amended by deleting the language “ten thousand dollars (\$10,000)” and by substituting instead the language “twenty five thousand dollars (\$25,000)”.

SECTION 3. Tennessee Code Annotated, Section 8-16-104, is further amended by adding the following language as a new, appropriately designated subsection:

() The true owner of the real property who is the victim of the fraudulent actions of a notary, in addition to any other causes of action that may exist, shall have a right of action to sue upon the bond and against the surety in any court of law or equity of this state having jurisdiction, and to recover his or her attorneys fees and costs.

SECTION 4. In any civil action concerning real property, courts are authorized to grant temporary possession of real property to persons who have demonstrated a legally cognizable claim thereto, after all parties have had reasonable notice and reasonable opportunity to be heard. Such order shall be enforced by the appropriate law enforcement agency subject to the court’s discretion.

SECTION 5. This act shall take effect July 1, 2009, the public welfare requiring it.